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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,800	12/02/2003	Jan Steenkamp	5782P028	4122

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EXAMINER	
CHAE, KYU	
ART UNIT	PAPER NUMBER
2426	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,800	STEENKAMP ET AL.	
	Examiner	Art Unit	
	KYU CHAE	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/2/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-26 have been canceled. Claims 26-41 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/2010 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 26, 29-35, 40 and 41** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2002/0023021 A1 to *De Souza*.

As to **claim 26, 33 and 40**, *De Souza* discloses a method comprising:

receiving, at a content distribution network, an authorization from a content provider (Fig. 1 & 3, pg. 3, ¶0042-0043 & 0058, gateway 106 e.g. head-end of a cable network allows users to subscribe to content providers 107-109, where the gateway informs the corresponding content provider to facilitate automated subscription of the user), the authorization authorizing the content distribution network to provide digital content from the content provider to a user of the content distribution network (Fig. 1 & 3, pg. 3, ¶0042-0043 & 0058, content provider transmits its offerings to the user device according to the subscription); and

based on the receiving of the authorization, using a processor to link the content provider to a content destination, the content destination being associated with the user (Fig. 1 & 3, pg. 3, ¶0042-0043 & 0058, based on the automated subscription allows the gateway to arrange access to the selected content providers offerings, where the content provider transmits its offerings to the user device), the linking enabling the content provider to inform the user of digital content that the content provider is capable of providing, receive a request from the user for the digital content, and provide the digital content to the user based on the request (Fig. 1 & 3, pg. 3, ¶0042-0043, 0046-0048, 0056 & 0058, content provider specific software is downloaded and installed on user device where representations or icons are presented to a user display for selection that

allows content to be provided to a user from the content providers based on the selection).

As to **claims 29 and 34**, *De Souza* further discloses wherein the linking of the content provider to the content destination includes communicating a content provider identifier to the content destination (Fig. 2, pg. 3, ¶0032, 0046, 0048 & 0056, updating latest versions of the representations or icons).

As to **claims 30 and 41**, *De Souza* further discloses wherein the enabling of the content provider to inform the user of the digital content that the content provider is capable of providing to the user includes enabling the content provider to control a portion of a user interface presented to the user at the content destination (Fig. 2, pg. 3, ¶0032, 0046, 0048 & 0056).

As to **claim 31**, *De Souza* further discloses wherein the controlling of the portion of the user interface includes communicating an available content identifier to the content destination (Fig. 2, pg. 3, ¶0032, 0046, 0048 & 0056).

As to **claim 32**, *De Souza* further discloses wherein the communicating of the available content identifier to the content destination is responsive to a selection of the user of an additional available content identifier (Fig. 2, pg. 3, ¶0032, 0046, 0048 & 0056).

As to **claim 35**, *De Souza* further discloses receive an available content identifier from the content provider; and display the available content identifier in a graphical user interface corresponding to the secure device; wherein the

receiving of the request from the user includes detecting a selection by the user of the available content identifier (Fig. 2, pg. 3, ¶0032, 0046, 0048 & 0056).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 27, 28, 36 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0023021 A1 to *De Souza* in view of U.S. Pub. No. 2003/0126608 A1 to *Safadi*.

As to **claim 27**, *De Souza* does not expressly disclose wherein, after the linking of the content provider to the content destination, the content provider communicates directly with the content destination independently of the content distribution network.

Safadi discloses wherein, after the linking of the content provider to the content destination, the content provider communicates directly with the content destination independently of the content distribution network (*Safadi* Fig. 1, pg. 3, ¶0025-0027 & 0040-0041).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by allowing the content provider to communicate directly with the content destination independently of the content

distribution network as disclosed by *Safadi* . The suggestion/motivation would have been in order to provide the user additional content through the use of remote content providers using existing video delivery systems and allows third party content providers to generate additional revenue (*Safadi* Fig. 1, pg. 3, ¶0025-0027 & 0040-0041).

As to **claim 28**, *De Souza* does not expressly disclose wherein the providing of the digital content to the user is under control of a digital rights network associated with the content provider and the content distribution network.

Safadi discloses wherein the providing of the digital content to the user is under control of a digital rights network associated with the content provider and the content distribution network (*Safadi* Fig. 1, pg. 2, ¶0020-0022 & 0041-0042).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by providing of the digital content to the user is under control of a digital rights network associated with the content provider and the content distribution network as disclosed by *Safadi* . The suggestion/motivation would have been in to enable secure delivery of streaming media content from content providers over the existing delivery network (*Safadi* Fig. 1, pg. 2, ¶0020-0022 & 0041-0042).

As to **claim 36**, *De Souza* further discloses send the request from the user directly to the content provider independently of the content distribution network

(*De Souza* Fig. 1, pg. 4, ¶0060, payment for the subscription may be arranged directly between the user and the content provider).

De Souza does not expressly disclose receive the digital content from the content provider independently of the content distribution network.

Safadi discloses receive the digital content from the content provider independently of the content distribution network (*Safadi* Fig. 1, pg. 3, ¶0025-0027 & 0040-0041).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by receiving the digital content from the content provider independently of the content distribution network as disclosed by *Safadi* . The suggestion/motivation would have been in order to provide the user additional content through the use of remote content providers using existing video delivery systems and allows third party content providers to generate additional revenue (*Safadi* Fig. 1, pg. 3, ¶0025-0027 & 0040-0041).

As to **claim 37**, *De Souza* does not expressly disclose send the request from the user to a digital rights network associated with the content provider and the content distribution network; and receive the digital content from the content provider under control of the digital rights network.

Safadi discloses send the request from the user to a digital rights network associated with the content provider and the content distribution network *Safadi* Fig. 1, pg. 2, ¶0020-0022 & 0041-0042); and receive the digital content from the

content provider under control of the digital rights network (*Safadi* Fig. 1, pg. 2, ¶0020-0022 & 0041-0042).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by sending the request from the user to a digital rights network associated with the content provider and the content distribution network and receiving the digital content from the content provider under control of the digital rights network as disclosed by *Safadi* . The suggestion/motivation would have been in order to enable secure delivery of streaming media content from content providers over the existing delivery network (*Safadi* Fig. 1, pg. 3, ¶0025-0027 & 0040-0041).

7. **Claims 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0023021 A1 to *De Souza* in view of U.S. Pub. No. 2004/0010602 A1 to *Van Vleck.*

As to **claim 38**, *De Souza* does not expressly discloses wherein the secure device is further to invoke a client- side application program interface of a digital rights network to process the request from the user, the invoking of the client-side application program interface enabling the secure device to retrieve an authorization from the digital rights network for the user to access the digital content.

Van Vleck discloses wherein the secure device is further to invoke a client- side application program interface of a digital rights network to process the

request from the user (*Van Vleck* Fig. 2-3, pg. 3, ¶0030-0032), the invoking of the client-side application program interface enabling the secure device to retrieve an authorization from the digital rights network for the user to access the digital content (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by invoking a client- side application program interface of a digital rights network to process the request from the user, the invoking of the client-side application program interface enabling the secure device to retrieve an authorization from the digital rights network for the user to access the digital content as disclosed by *Van Vleck*. The suggestion/motivation would have been in order to manage access to digital content according to the digital rights policies where the policy indicates authorization access to a particular file (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038).

As to **claim 39**, *Van Vleck* discloses wherein the invoking of the client-side interface enables the secure device to prompt the user to make a payment associated with accessing the digital content, the prompting based on at least one of a configured media policy and a user access right (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038 & 0041).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *De Souza* by enabling the secure device to prompt the user to make a payment associated with accessing the digital content, the prompting based on at least one of a configured media policy and a

user access right as disclosed by *Van Vleck*. The suggestion/motivation would have been in order to associate the identified level of access with a digital rights policy upon a transaction (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038).

Response to Arguments

8. Applicant's arguments with respect to claims 26-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Claims 26-41 have been rejected.

Correspondence Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYU CHAE whose telephone number is (571)270-5696. The examiner can normally be reached on Mon-Fri, 8 a.m. - 5 p.m.; EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
September 27, 2010